

REMARKS/ARGUMENTS

Favorable reconsideration of this application is respectfully requested.

Claims 24-33, 35-46 and 61-64 are active in this case. Claims 24-27, 29-33, 37-40, 42-46 and 61-64 are amended by the present response. Support for amendments to the claims is found in the disclosure as originally filed. Thus, no new matter is added.

In the outstanding Office Action, Claims 24-27, 29-33, 35, 37-40, 42-45 and 61-64 were rejected under 35 U.S.C. §103(a) as unpatentable over ISO/IEC in view of Bruls et al. (U.S. Pat. Pub. No. 2006/0098937, herein “Bruls”), Yahata et al. (U.S. Pat. Pub. No. 2009/0010614, herein “Yahata”) and Kim et al. (Fine Grain Scalability in MPEG-4 Audio, Audio Engineering Society, 111th Convention of the AES, 24 Sept 2001, Pages 1-5, herein “Kim”); Claim 28 was rejected under 35 U.S.C. §103(a) as unpatentable over ISO/IED, Bruls, Yahata and Kim in further view of Kelly et al. (U.S. Pat. Pub. No. 2002/0191625); Claims 36, 41, and 46 were rejected under 35 U.S.C. §103(a) as unpatentable over ISO/IED, Bruls, Yahata and Kim in view of Wu et al. (U.S. Pat. No. 6,614,936, herein “Wu”).

Addressing now the rejection of Claims 24-27, 29-33, 35, 37-40, 42-45 and 61-64 under 35 U.S.C. §103(a) as unpatentable over ISO/IEC, Bruls, Yahata and Kim, Applicants respectfully traverse this rejection.

Claim 24 recites, in part,

encoding means for encoding an input stream so as to include, among a base stream and at least one extension stream having extensibility for the base stream, at least the base stream and a first extension stream;

adding means for adding transport priority information that indicates priority and respectively distinguishes the base stream from the at least one extension stream, which are encoded by the encoding means, to the base stream and the at least one extension stream; and

packetizing means for packetizing the base stream and the at least one extension stream, to which the transport priority information is added by the adding means, into distinct TS packets,

wherein the encoding means encodes first TS packets forming the base stream and second TS packets forming the at least one extension stream, which are included in the input stream, so that the first and second TS packets, to be played back at the same time, are arranged in sequence in the order of the first TS packets forming the base stream and the second TS packets forming the at least one extension stream and such that the first TS packets forming the base stream and the second TS packets forming the at least one extension stream are interleaved.

Claims 25-27, 29-31, 33, 37-39, 42-44 and 61-64 recite similar features with regard to first TS packets forming the base stream and second TS packets forming the at least one extension stream, which are included in the input stream, so that the first and second TS packets, to be played back at the same time, are arranged in sequence in the order of the first TS packets forming the base stream and the second TS packets forming the at least one extension stream and such that the first TS packets forming the base stream and the second TS packets forming the at least one extension stream are interleaved.

ISO/IEC describes a standard for MPEG and describes synchronization and multiplexing of video and audio. Further, ISO/IEC describes that transport stream packets begin with a 4 byte prefix, which contains a 13 bit Packet ID (PID).

Bruls describes a method for handling layer digital video streams comprising a base layer stream and an enhancement layer stream. Further, Bruls describes that packets of the base layer and the enhancement layer each are allocated their own PID number.

Yahata describes an information storage medium in which a stream includes basic data and extension data.

Kim describes a fine grain scalability tool for MPEG-4 audio. Further, Kim describes a bit slicing scheme in which quantized spectral values are grouped into frequency bands. The bits are then processed according to the spectral content and from most significant bit (MSB) to least significant bit (LSB).

However, the combination of ISO/IEC, Bruls, Yahata and Kim does not describe or suggest that the encoding means encodes first TS packets forming the base stream and second TS packets forming the at least one extension stream, which are included in the input stream, so that the first and second TS packets, to be played back at the same time, are arranged in sequence in the order of the first TS packets forming the base stream and the second TS packets forming the at least one extension stream and such that the first TS packets forming the base stream and the second TS packets forming the at least one extension stream are interleaved.

The Action acknowledges that ISO/IEC, Bruls, and Yahata fail to disclose the features of the encoding means with regard to encoding the first TS packets forming the base stream and the second TS packets forming the at least one extension stream.

Nevertheless, the Action relies on Kim as disclosing this feature of the claimed invention.

Kim describes a process in which an input signal is spectral processed and the MSB of each of the spectral bands is collected as a bit slice. This bit slice is grouped and formed into a base layer (minimum subset that can be decoded). The next bit slice moving toward the LSB is grouped into the next enhancement layer, etc. The groups are then combined into a packet with a single header as is shown in Figure 3. The decoder is thus able to provide more enhancement layers by including more groups.

However, Kim does not describe that the encoding means encodes first TS packets forming the base stream and second TS packets forming the at least one extension stream, the first and second TS packets being distinct such that the first and second TS packets, to be played back at the same time, are arranged in sequence in the order of the first TS packets forming the base stream and the second TS packets forming the at least one extension stream

and ***such that the first TS packets forming the base stream and the second TS packets forming the at least one extension stream are interleaved.***

In other words, as is shown in a non-limiting example shown in Figure 26, the first TS packet forming the base stream is interleaved with the second TS packet(s) of the extension stream.

In contrast to a configuration such as Kim in which the base layer and each of the enhancement layers are included in the same packet, in the claimed invention, the first TS packets forming the base stream and the second TS packets of the at least one extension stream, which are played back at the same time, are distinct TS packets and thus the order of the TS packets is important.

Therefore, Kim cannot be cited as curing the deficiencies of SO/IEC, Bruls, and Yahata with regard to the claimed invention.

Accordingly, Applicants respectfully submit that Claim 24, and similarly Claims 25-27, 29-31, 33, 37-39, 42-44 and 61-64, and claims depending respectfully therefrom, patentably distinguish over any combination of ISO/IEC, Bruls, Yahata, and Kim.

Consequently, in view of the present amendment, and in light of the above discussion, the pending claims as presented herewith are believed to be in condition for formal allowance, and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, L.L.P.

Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 07/09)

James Love
Registration No. 58,421